

REMARKS

The present application is a continuation of pending applications Serial Nos. 09/176,143 and 10/124,047.

The present preliminary amendment cancels claims 1-7 and adds new claims 8-40.

Each of claims 8-40 focus on further features of the photo CD or digital image storage disk of the present invention. More specifically, the new claims include a first set of claims (8-18) which are directed to the layout of the rows of images of the index print on the disk and are supported by Fig. 1. More specifically, each of independent claims 8, 11 and 15 require that the positive images be provided on the digital image storage disk, so as to define a plurality of rows on the disk. Each of the above-noted claims further require that a first row of the plurality of rows begin at a first location on the disk and end at a second location on the disk which is between the first location and a center axis of the disk, such that the second location is on a first side of the center axis. This is shown in Fig. 1, for example, by the row which includes images 1, 2 and 3; 4, 5 and 6; 7, 8 and 9; or 10, 11 and 12.

Each of claims 8, 11 and 15 further require that a second row of the plurality of rows begins at a third location on the disk and end at a fourth location on the disk, such that the fourth location is on a second side of the center axis which is opposite to the first side. This is supported in Fig. 1 by, for example, the row which begins with image 13 and ends with image 20; the row which begins with image 21 and ends with image 27; the row which begins with image 28 and ends with image 33; or the row which begins with image 34 and ends with image 36.

The present preliminary amendment further includes a second set of claims (19-29) which vary in scope from claims 8-18 and set forth further features of the layout of the images on to disk or CD. Each of claims 19, 22 and 26 require that the positive images be provided on a digital image storage disk so as to define a plurality of rows on a disk and that at least two orthogonal planes extend along a center axis of the disk. As further required by each of these claims, a first row of the plurality of rows defines a first longitudinal axis which is perpendicular to one of the orthogonal planes, with the first row beginning and ending on one side of the one orthogonal plane. This is supported in Fig. 1 by, for example, the row beginning with image 1; the row beginning with image 4; the row beginning with image 7; or the row beginning with image 10.

As further required by each of these claims, at least a second row of the plurality of rows defines a second longitudinal axis which is perpendicular

to the one orthogonal plane, with the second row beginning on one side of the one orthogonal plane and ending on an opposite side of the one orthogonal plane. This is supported in Fig. 1 by at least the row beginning with image 13; the row beginning with image 21; the row beginning with image 28; or the row beginning with image 34.

The present preliminary amendment further includes a third set of claims (30-40) which vary in scope from the remaining claims, and set forth further features of the layout of the images on the disk or CD. More specifically, each of claims 30, 33 and 37 require that the disk include positive images that correspond to the digital image data, so that each of the positive images directly represent the photographic images stored on the digital image storage disk. Each of the noted claims further require that at least two orthogonal planes be defined along a center axis of the disk, and that a first image of the positive images be located on a first side of one of the orthogonal planes. Each of the noted claims further require that a second image of the positive images be provided on a second side of the one orthogonal plane which is opposite to the first side.

The features as required by claims 30, 33 and 37 are shown in Fig. 1 which illustrates a center axis for the disk wherein orthogonal planes can be provided along the center axis. Further, in viewing Fig. 1 in a direction from the top of the figure or page, positive images are represented on the left side of the center axis or orthogonal plane, while further positive images are represented on the right side, wherein the further positive images can be defined as being located on the other side of the orthogonal plane.

The references of record are not believed to show or suggest the specific features required by the above-noted claims. More specifically, each of the references to Grossman and Hummell et al. relates to the concept of providing labeling devices on a disk. Each of the labels applied by the labeling devices are defined as being representative of the content of what is on the disk. There is no showing or suggestion in each of these references of providing for index prints on a disk which are a visual or a direct actual representation of the contents of the disk. Further, there is no showing or suggestion in each of the references to Hummell et al. and Grossman of the specific layout of the positive images or rows of positive images of the index print as specifically required by each of the above-noted independent claims.

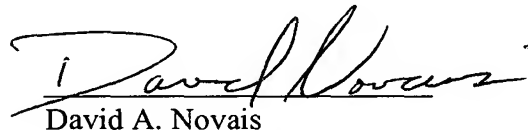
The references to Ishikawa, Otake and Truc which were cited to show index prints, do not correct the deficiencies of Grossman and Hummell et al. with respect to the claimed invention. First, each of the references to Ishikawa, Otake and Truc teach the provision of an index sheet on a medium which is not the medium on which the images which are represented by the index print are

stored. Furthermore, each of the references to Ishikawa et al., Otake and Truc teach the application of an index sheet on elements such as a cartridge or a casing. Also, these references do not show or suggest the layout of the images or the rows of images of the index sheet on a disk in a manner as required by the independent claims of the present invention.

Therefore, claims 8-40 are believed to be allowable over the applied references, whether considered individually or in combination.

In view of the foregoing comments, it is believed that the present application is in condition for examination, and an early favorable action on the merits is therefore requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Novais", written over a horizontal line.

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